

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Christopher W. Madel,

Civ. No. 13-2832 (PAM/FLN)

Plaintiff,

v.

**MEMORANDUM AND ORDER**

United States Department of  
Justice, and Drug Enforcement  
Administration,

Defendants.

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This matter is before the Court on the parties' joint Motion "for Determination." The parties seek clarification of the Court's January 11, 2017, Order (Docket No. 105), apparently having been unable to determine in the intervening eight-and-one-half months since the entry of that Order whether some of the data in the spreadsheets at issue is subject to release.

The Court found that certain "company-specific information" in the spreadsheets was not exempt from disclosure under the FOIA. (See id. at 8.) The Government now contends that this statement does not mean that the names of the supplier companies must be released, but rather only information about the buyers. But the Government contended previously that "the only information on the spreadsheets that can be provided without causing competitive harm is the name and locations of the supplier companies." (Id. at 7.) It is curious that the Government has reversed its position now that the Court has ordered other information on the spreadsheets released.

In addition, the Government now contends for the first time that the Trade Secrets Act prevents the disclosure of the supplier companies' names. The information Madel requests is now more than five years old. (See id. at 5 (noting that the information is "at least five years, and up to 11 years, old").) It is no longer a trade secret, if it ever was. Nor is it protected from disclosure under any exemption to the FOIA. Madel is correct: the non-exempt information in the spreadsheets includes the name of the supplier companies as well as the other information identified in the Court's previous Order.

The Court expects the Government to release this information immediately. Madel brought this lawsuit in October 2013 and it is time to bring it to a close. The Court will not look favorably on any additional attempts to delay disclosure or to seek further advice from the Court on the issues that have been clearly and finally resolved.

Accordingly, **IT IS HEREBY ORDERED** that the Joint Motion "for Determination" (Docket No. 113) is **GRANTED** and the Court's previous Order is clarified as set forth herein.

Dated: August 30, 2017

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge